

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

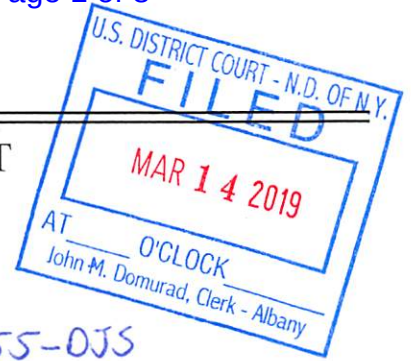
UNITED STATES OF AMERICA

v.

KYLE CATON,

Defendant.

Case No. 1:19-mj-155-DJS



## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

From at least in or about 2018 through on or about February 25, 2019 in the county of Saratoga in the Northern District of New York the defendant violated:

*Code Section*  
18 U.S.C. § 2252A(a)(2)(A)

*Offense Description*  
Receipt of Child Pornography

This criminal complaint is based on these facts:  
See attached affidavit

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Patrick McDonald, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: March 14, 2019

Judge's signature

City and State: Albany, New York

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Special Agent Patrick McDonald of United States Department of Homeland Security, Homeland Security Investigations (“HSI”), being duly sworn, depose and state as follows:

**INTRODUCTION**

1. I am a Special Agent with the US Immigration and Customs Enforcement Office of Homeland Security Investigations (“HSI”) and have been since January 2003. As such, I am an investigative or law enforcement officer of the United States within the meaning of Title 18 United States Code, Section 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of and to make arrests for offenses enumerated in Title 18, United States Code, Section 2516(1). I have been a law enforcement officer for 24 years. I was a police officer in the state of New York for 1 year prior to commencing a career in federal law enforcement. My career as a Special Agent began in January 2003 with the U.S. Immigration and Naturalization Service (INS), which is now known as U.S. Immigration and Customs Enforcement Homeland Security Investigations (HSI). Prior to my promotion to Special Agent, I was a U.S. Border Patrol agent in Douglas, AZ from September 1996 to November 2001, and a Supervisory Detention Enforcement Officer with INS Detention and Deportation Program in Boston, MA. As an HSI Special Agent, I am authorized to seek and execute federal arrest and search warrants for Title 18 criminal offenses, including offenses related to the sexual exploitation of minors, specifically those involving the possession, distribution, and receipt of child pornography, in violation of Title 18, United States Code, Sections 2252 and 2252A. I have a Bachelor’s of Arts Criminal Justice degree from Oswego State University. I have completed the Criminal Investigator Training Program and U.S. Border Patrol Academy at the Federal Law Enforcement Training Center in Glynco, GA. During both basic training, and subsequent training, I received

instruction on conducting federal criminal investigations. I have also been the affiant for and participated in the execution of numerous Federal search warrants in child pornography and child exploitation investigations.

2. I am an investigative or law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and am empowered by law to conduct investigations and to make arrests for Title 18 offenses enumerated in Section 2516 of Title 18, United States Code.

3. This affidavit is made in support of a criminal complaint charging Kyle CATON with violating Title 18, United States Code, Section 2252A(a)(2)(A), Receipt of Child Pornography.

4. The statements in this affidavit are based in part on my investigation of this matter, including information that has been told to me by other law enforcement officers. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that Kyle CATON has committed the crime of Receipt of Child Pornography, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

#### **BACKGROUND OF THE INVESTIGATION**

5. I am assigned to the HSI office in Latham, NY (designated HSI Albany), and our office conducts a wide array of investigations, including, but not limited to, national security threats, terrorism, narcotics trafficking, commercial trade fraud, illegal arms export, money laundering/financial crimes, smuggling and child exploitation.

6. In February of 2019, HSI Albany received a collateral request for investigation from HSI Colorado Springs, in conjunction with Internal Revenue Service-Criminal Investigations Division (IRS-CID), relative to their investigation of individuals involved in a criminal enterprise responsible for a specific commercial child exploitation website referred to herein as Website 1. Website 1 was hosted on the Tor network (darkweb or darknet) and physically located in South Korea. Tor is the most widely used darkweb/darknet browser. Based on the investigation, HSI agents learned that Website 1 users had the ability to create accounts and download child pornography by either using bitcoin to purchase access to child pornography or uploading child pornography and receiving “download points.”

7. The Korean National Police (KNP), in coordination with HSI Colorado Springs and assisted by HSI Seoul, took Website 1’s server down in the spring of 2018. As a result of their investigation, HSI Colorado Springs and IRS-CID in Colorado were able to identify approximately 2,700 user accounts worldwide on Website 1, 133 of which were located in the United States. Agents identified the users of those accounts who had used their personal identifiable information (PII) to purchase bitcoin, which in turn, they used to purchase access to the Website 1.

8. When a user of Website 1 created an account and used bitcoin to purchase access to Website 1, the user would create a username. The administrators of Website 1 created unique bitcoin addresses for each username, so that the administrators would know when specific users paid for access to Website 1 via bitcoin.

9. The investigation revealed that Website 1’s administrators created a unique bitcoin address for Kyle CATON when CATON created his user name on Website 1. CATON has a bitcoin account with Coinbase and a subpoena to Coinbase from HSI Colorado Springs revealed CATON’s transactions showing he sent bitcoin from his Coinbase account to his Website 1

account. The Coinbase records also revealed the fact that when CATON sent bitcoin to his Website 1 account, Coinbase sent a confirmation email to catonkj@gmail.com. HSI Colorado Springs and IRS-CID were able to link that email address, CATON's Coinbase account, and CATON's bank account (via federal grand jury subpoena) to CATON's bitcoin payment to Website 1.

10. On February 25, 2019, after receiving the aforementioned information, HSI Special Agent Daria Botten and I traveled to CATON's residence in Saratoga Springs, NY to try to speak with CATON. CATON was at his residence and agreed to speak with us. However, he did not want to speak inside his residence, so we conducted the interview in our vehicle.

11. CATON stated that he uses a home-built computer tower (labeled Thor) with an Intel 7 processor utilizing Windows 10 containing 1-2 magnetic drives and 2-3 physical hard drives. He provided his userid, pin, usernames for the darkweb/darknet, and password. CATON asserted he installed a special browser on his computer to access the darkweb/darknet, and has used the darkweb/darknet for approximately 2 to 3 years.

12. CATON stated he has "accessed contraband sites" and downloaded items from the free forums that typically featured revenge porn and teenagers having sex. He stated these sites intrigued him because he has been rejected by women since high school and college, so he was "fantasizing about having actual sex with high school age girls."

13. CATON stated he has a bitcoin wallet, and admitted to making two purchases using bitcoin of less than \$100 from a video sharing site to view teenagers having "after school sex." He further stated he experimented watching young girls having sex with a dog. CATON stated he saw some sites that contained depictions of non-consensual sex where young girls appeared to be drunk or drugged, but claimed he did not seek out videos depicting forcible rape. CATON stated he accessed one of the sites he described within the week before the interview.

14. At the end of the interview, I asked CATON if he would be willing to sign a Department of Homeland Security/Immigration and Customs Enforcement (DHS/ICE) form entitled "Consent to Search Computer/Electronic Equipment." CATON responded in the affirmative and signed the form after reading it, with Special Agent Botten and me signing as witnesses. We then seized CATON's computer tower, with his consent.

15. CATON was given a copy of DHS Form 6051S (#6156341), Custody Receipt for Seized Property and Evidence, as a receipt for his computer tower. The computer tower was transported straight to the HSI office in Latham, NY and placed in the secure evidence vault. On March 1, 2019, I met HSI Rouses Point Special Agent Jason Young, Computer Forensics Agent (CFA), and transferred custody of CATON's computer to SA Young so that he could conduct a preliminary forensic review of the computer's content.

16. On March 4, 2019, CFA Young advised me that he found numerous files containing child pornography on the two hard drives in the computer tower. CFA Young provided me with a disc containing much of the material he found on CATON's hard drives. On March 8, 2019, I reviewed the content of the disc. The following are descriptions of some of the files I reviewed:

- a. **[REDACTED]\_50192896Qql.jpg**, - This file is a picture of a clothed toddler girl performing oral sex on an adult male.
- b. **[REDACTED]\_50895971AmT.jpg** - This file is a picture of a girl approximately 3-4 years of age, naked, leaning back on her hands looking at ejaculate on her vagina area.
- c. **IMG\_011.jpg to IMG\_023.jpg** - This is a series of pictures depicting the same naked prepubescent girl, appearing to be less than 12 years of age. The first images in the series, show the girl naked performing oral sex on what appears to be a dog



(IMG\_011 to IMG\_016). The last files in the series depict the same prepubescent female wearing only skin tone stockings; in these pictures the girl is strapped bent over and face down on a metal/leather bench; the girl's hands are tied in front of her on the bench, and at least one of her legs are tied to the bench; the last picture in this series shows a dog with its mouth near the anal region of the girl (IMG\_020.jpg to IMG\_023.jpg).

17. In addition, SA Young found a manual on one of the hard drives containing instructions for engaging in sexual intercourse with children. The author of the manual concludes the first page by writing that he is passionate about "fucking little girls" and "that everyone can do this." The page includes five images of a very young girl lying on her back. The first image shows an adult male's hand touching the girl's vagina; the next two images show the girl by herself with her vagina clearly visible; and the last two images show an adult male penetrating the girl's vagina with his penis. The author later writes about engaging in sexual intercourse with a four year old girl and includes two images depicting an adult male penetrating the vagina of a very young, prepubescent girl with additional commentary from the author.

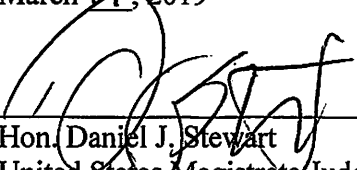
### CONCLUSION

18. Based on the foregoing information, there is probable cause to conclude that Kyle CATON did knowingly receive child pornography using a means and facility of interstate and foreign commerce, and in and affecting such commerce, that is, through downloading image and video files depicting child pornography over the Internet, in violation of Title 18, United States Code, Section 2252A(a)(2)(A).

A handwritten signature in blue ink, appearing to read "Patrick McDonald".

Special Agent Patrick McDonald  
Homeland Security Investigations

Subscribed and sworn to before me on  
March ~~14~~, 2019

  
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Hon. Daniel J. Stewart  
United States Magistrate Judge